



MARICOPA COUNTY INTERNAL POLICY

Policy Title: USE OF UNMANNED AIRCRAFT SYSTEMS	Policy Number:	A2605
	Current Adoption Date:	8-18-2017
	Current Implementation Date:	8-18-2017
Approved by: COUNTY MANAGER	Board Agenda Number:	N/A
	Original Adoption Date:	8-18-2017

I. PURPOSE

To provide Appointing Authorities guidelines for the safe and proper use of Unmanned Aircraft Systems (UAS) for approved purposes. To establish a review and reporting program for the use of UAS by and on behalf of the County.

II. APPLICATION

This Policy applies to all County Departments, Elected Officials, and Special Districts. This Policy is not intended to replace or preclude application of any other County policy or rules, including but not limited to the County Procurement Code.

All applications of this Policy are intended to comply with federal rules governing UAS use at the time of such use. If there is any inconsistency between this Policy and such federal rules, the federal rules shall govern, and all persons operating a UAS pursuant to this Policy shall be aware of and follow all federal rules.

III. DEFINITIONS

- A. Appointing Authority:** An elected official, the single administrative or executive head of a Department/Special District, or the designated representative authorized to act in this capacity.
- B. Certificate of Authorization (COA):** An authorization issued by the Federal Aviation Administration (FAA) to a public operator for a specific UAS activity. These authorizations are made through the [FAA's website](#).
- C. Covered Data:** Information collected by a UAS that identifies a particular person. If data collected by UAS will not be linked to an individual's name or other Personally Identifiable Information (PII), or if the data is altered so that a particular person is not recognizable, it is not covered data.
- D. Employee:** A person paid a wage, salary, or stipend from public monies in accordance with official entries on County payroll. This includes all classified, unclassified, temporary, contract employees, Elected Officials and any temporary employee paid through the Maricopa County accounts payable process.
- E. Federal Aviation Administration (FAA):** An agency of the United States responsible for the control and use of navigable airspace within the United States. The FAA provides all rules and regulations regarding commercial use of UAS.
- F. Global Positioning Systems (GPS):** A U.S.-owned utility that provides users with positioning, navigation, and timing (PNT) services.

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- G. Global Navigation Satellite System (GNSS):** Any satellite navigation system that uses satellites to provide autonomous geo-spatial positioning. The GPS system is one type of GNSS.
- H. Lost Link:** Loss of command and control link, either uplink or downlink, between the control station and the aircraft.
- I. Lost Link Procedure:** Preprogrammed and predetermined mitigations to ensure the continued safe operation or flight termination of the UA in the event of a Lost Link.
- J. National Airspace System (NAS):** There are two categories of airspace Regulatory (Class A, B, C, D, and E airspaces which are considered Controlled Airspaces) and non-regulatory Class G airspace which is uncontrolled airspace.
- K. Personally Identifiable Information (PII):** Information which can be used to distinguish or trace an individual's identity, such as their name, social security number, likeness, biometric records, etc. alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, mother's maiden name, etc.
- L. Privacy Act:** Refers to the Privacy Act of 1974 which amended title 5, US Code by adding section 552a to safeguard individual privacy.
- M. Public Interest:** Activities that substantially benefit the general welfare of the County, such as educational, agronomic, scientific or permit compliance purposes.
- N. Public Safety:** Operation to protect the public for the purposes of law enforcement, disaster relief and recovery, containment of hazardous materials, or search and rescue.
- O. Unmanned Aerial Vehicle (UAV):** An unmanned aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.
- P. Unmanned Aircraft System (UAS):** An Unmanned Aerial Vehicle (UAV) and associated elements (including communication links and the components that control the UAV) that are required for the pilot in command to operate safely and efficiently in the National Airspace System.
- Q. Vendor:** Any corporation partnership, individual, sole proprietorship, joint stock company, joint venture, individual, union, committee, organization, group of individuals or any other private legal entity having contracted business with the County.
- R. Volunteer:** A person, who, of their own free will, provides services to the County without receiving a wage, salary, stipend or other County benefit.

IV. POLICY

A. Unmanned Aircraft System (UAS) Operating Requirements

1. Due to rapid growth and change with this emerging technology, it is recommended to transfer the risk of operations to Vendors. Nothing in this statement precludes Appointing Authorities from using UAS.
2. A County Employee, Volunteer or Vendor may only operate a UAS for uses directly related to Public Safety and/or Public Interest.

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3. Use of a UAS should be the most economical method to fulfill the desired scope of the task considering safety, quality, need, time and cost.
4. All UAS must be operated in accordance with [current FAA regulations](#), state, federal and local laws and regulations, and comply with all Constitutional guarantees.
5. Prior to UAS use operated by a County Employee, the County must ensure current authorization by obtaining or verifying that a valid Certification of Authorization (COA) or other appropriate FAA authorization is in place for the planned operation.
6. Flight plans
 - a. All flight plans for UAS use must be compliant as outlined in this Policy and remain on file by the initiating Department in compliance with State mandated records retention requirements.
 - b. The flight plan for a scheduled UAS use by a County Employee, contracted Vendor or Volunteer must be submitted to and reviewed by the Appointing Authority or his/her designee for compliance to this Policy prior to execution.
7. Appointing Authorities must obtain from Risk Management written authorization to lease or purchase any UAS including a pre-insurance review.
8. All UAS, operated by or on behalf of the County must be equipped with:
 - a. Global Positioning Systems (GPS) or Global Navigation Satellite Systems (GNSS), and Lost Link Procedure in case of loss
 - b. Reasonable precautions to secure recorded and transmitted data
 - c. Clear exterior markings indicating UAS registration number compliant with [current FAA Regulations](#).
9. All UAS must be maintained per manufacturer's recommendations. Maintenance records must be kept in accordance with current FAA Regulations, [County Policy A2101 Records Management](#) and/or Vendor contract.
10. Equipment attached to the County-owned or leased UAS must be owned or leased by the County, be appropriately maintained and comply with all applicable rules and regulations outlined in this Policy.

B. Operator Requirements

1. County Employees may operate UAS under the following conditions:
 - a. The UAS must be owned or leased by the County. Use of equipment owned by other entities where no contract to operate the equipment is in place is prohibited.
 - b. The UAS operator must have and maintain required FAA authorization/certification. Active records must be submitted to and kept on file with the Appointing Authority authorized by the COA.
 - c. The UAS operator must follow all other applicable current policies, procedures and regulations of the County and the FAA.

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2. Operators shall be mindful of the safety of people and risk of property damage and aware of potential failure modes of their equipment.
3. Vendors may operate UAS on the County's behalf in compliance with the current law, under the terms of their specific contract, and this Policy. Any and all conflicts within and between these provisions shall be brought to the attention of the Appointing Authority.
4. The operation of UAS on behalf of the County by Volunteers:
 - a. Must be authorized by the Appointing Authority
 - b. Is only authorized in cases of Public Safety.
 - c. Must be limited to the period of time reasonably necessary to address the specific Public Safety concern.
5. Volunteers are subject to all requirements of this Policy and are prohibited from operating County owned or leased UAS.

C. Privacy

1. A UAS shall not be used to monitor or capture data in areas where there is a reasonable expectation of privacy in accordance with accepted social norms, in the absence of a valid search warrant or otherwise allowed by law.
2. A UAS shall only collect and save information that is consistent and relevant to an authorized purpose. . A Vendor or Volunteer who collects personal data as part of the authorized mission shall:
 - a. Immediately notify the Appointing Authority of the nature of the collection
 - b. Transmit such data to the Appointing Authority
 - c. Destroy and not retain the data once transferred
3. Information collected using UAS that may contain Personally Identifiable Information (PII) shall not be retained for more than 90 days from recording unless retention of the information is determined to be necessary to an authorized mission of the County, is maintained in a system of record covered by the Privacy Act, or is required to be retained for a longer period by any other applicable law or regulation, including [County Policy A2101 Records Management](#).
4. UAS-collected information that is not maintained in a system of record covered by the Privacy Act shall not be disseminated outside of the County unless dissemination is required by law, or fulfills an authorized purpose and complies with relevant County requirements.

D. Reporting and Audit

1. Where practicable, UAS operators should make a reasonable effort to provide prior notice to the public of the general timeframe and area that they may anticipate a UAS intentionally collecting covered data except where precluded by law (e.g. execution of search warrants).
2. All UAS use operated by the County shall be logged as described by [County Policy A2101 Records Management](#). All UAS use on behalf of the County shall be logged per terms of the contract.

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3. The County shall establish and maintain a County-wide mechanism for soliciting, receiving and addressing inquiries, concerns, or feedback related to UAS operations. All collections made and actions taken shall be kept in accordance with [County Policy A2101 Records Management](#).
4. Any County Department that owns or leases a UAS shall maintain a log of all maintenance activity for their UAS. Such logs shall be kept in accordance with [County Policy A2101 Records Management](#) and no less than the term of UAS ownership.
5. The COA owning department shall coordinate all required reporting to local, state and federal agencies as required.
6. Prior to any scheduled UAS use, the COA owning department shall notify all appropriate local authorities, providing such information to assist in logging and responding to public inquiries. In cases of Public Safety, the COA owning department shall notify all appropriate local authorities as soon as is practicable, and if allowed by law.
7. The County Manager or their designee shall, on an annual basis, report to the Board of Supervisors a general summary of the County's use of UAS operations during the previous fiscal year.
8. The County Manager or their designee shall perform an annual review of this Policy and associated procedures to ensure compliance with applicable laws and regulations, and relevance to emerging technology.
9. The Elected Officials and Special Districts shall cooperate with the County Manager in making the required reports and reviews under this Policy.

E. Sanctions for Violations

1. Any violation of this Policy will be dealt with in accordance with applicable County policies and procedures, which may include disciplinary actions up to and including termination.
2. Fines or damages incurred through UAS operations that do not comply with this Policy or other applicable federal, state or local laws and regulations will be the responsibility of the persons or the appropriated budget for the Appointing Authority involved.

Revision History

Version	Revision Date	Description of Revision
1	8-18-2017	Initial version